

UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

* * *

DASHOD REED,

Case No. 2:22-cv-00537-RFB-BNW

Plaintiff,

ORDER

v.

PERRY RUSSELL, et al.,

Defendants.

On April 11, 2024, the Court ordered Plaintiff to complete the USM-285 form for Defendant Kyle-Ellender and return it to the U.S. Marshals Service ("USMS") by May 11, 2024. ECF No. 35. On May 24, 2024, the summons issued for Defendant Kyle-Ellender returned as unexecuted because the USMS did not receive the completed USM-285 form. ECF No. 43. The Court warned Plaintiff that failure to return the USM-285 form may result in dismissal of his claims against Defendant Kyle-Ellender. ECF No. 35 at 2. The Court will afford Plaintiff one last opportunity to effect service on Defendant Kyle-Ellender and directs him to carefully follow the below instructions:

IT IS THEREFORE ORDERED that the USMS must attempt service on Defendant Kyle-Ellender.

IT IS FURTHER ORDERED that the Clerk of Court **must** issue a summons for Defendant Kyle-Ellender and deliver the same to the USMS for service together with one copy of each of the following documents: this Order, the operative complaint (ECF No. 16), the Court's Screening Order (ECF No. 15), and the address for Defendant Kyle-Ellender filed under seal (ECF No. 29).

IT IS FURTHER ORDERED that the Clerk of Court **must** send Plaintiff one blank USM-285 form, together with a copy of this Order.

IT IS FURTHER ORDERED that Plaintiff shall have until July 17, 2024 to fill out the required USM-285 form and send it to the USMS. Plaintiff must fill out the blank space asking for

1	the defendant's address by specifying that Defendant Kyle-Ellender's address is filed under seal in
2	Case No. 2:22-cv-00537-RFB-BNW at ECF No. 29.
3	IT IS FURTHER ORDERED that the USMS must, in accordance with Federal Rule of
4	Civil Procedure 4(c)(3), attempt service on Defendant Kyle-Ellender no later than 20 days after
5	receipt of the completed USM-285 form.
6	IT IS FURTHER ORDERED that the USMS is to file the return of service under seal
7	given that Defendant Kyle-Ellender's address shall remain sealed.
8	IT IS FURTHER ORDERED that if Plaintiff fails to comply with this Order, Plaintiff's
9	claims against Defendant Kyle-Ellender may be subject to dismissal for failure to complete service
10	of process pursuant to Federal Rule of Civil Procedure 4(m).
11	
12	DATED: June 17, 2024
13	
14	Brenda Weksler
15	UNITED STATES MAGISTRATE JUDGE
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

Case 2:22-cv-00537-RFB-BNW Document 44 Filed 06/18/24 Page 2 of 2